

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR                      SESSION  
TUESDAY, OCTOBER 11                      , 19 94

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING October 11 , 1994 ,  
IN Regular SESSION. PRESIDENT Archie L. Lunsey  
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND  
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE  
FOLLOWING MEMBERS \_\_\_\_\_ VIZ:

BRADBURY	<u>✓</u>	EDMONDS	<u>A</u>	GIAQUINTA	<u>A</u>
HENRY	<u>✓</u>	LONG	<u>✓</u>	LUNSEY	<u>A</u>
RAVINE	<u>✓</u>	SCHMIDT	<u>✓</u>	TALARICO	<u>✓</u>

ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_  
\_\_\_\_\_

THE MINUTES OF THE LAST REGULAR September 27 , 1994 ,  
\_\_\_\_\_, 19\_\_\_\_,  
SPECIAL \_\_\_\_\_, 19\_\_\_\_,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.



THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 11th day of October, 1994, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 14th day of October, 1994.

Sandra E. Kennedy  
City Clerk





# The City of Fort Wayne

Paul Helmke, Mayor

October 10, 1994

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-93-11-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
10th day of October 1994.

Carol Kettler Sharp  
Secretary

/pb

CC: File



# Division of Community Development & Planning

0-93-11-10

BILL NUMBER

BRIEF TITLE

APPROVAL DEADLINE

REASON

Street Vacation Ordinance

## DETAILS

### Specific Location and/or Address

Portion of Forest Avenue between Lots 31  
& 32 in Delta Heights Addition.

### Reason for Project

Future private access location.

### Discussion (Including relationship to other Council actions)

15 November 1993 - Public Hearing

Chester Bowman, 4136 Cadena Lane, the owner of Lots 31 & 32 in Delta Heights, the petitioner appeared before the Commission. Mr. Bowman stated that this portion of Forest Avenue has never been developed or used for right-of-way. Mr. Bowman stated that this portion of Forest Avenue serves no useful purpose other than as part of Forest Ridge Shopping Center Phase I. Mr. Bowman stated that they have made a deal with the Plan Commission staff to vacate this portion of right-of-way when they received a curb cut from the State Highway. He stated that they have received approval for a curb cut from the state.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

## POSITIONS

## RECOMMENDATIONS

### Sponsor

City Plan Commission

### Area Affected

City Wide

Other Areas

### Applicants/ Proponents

### Applicant(s)

Chester & Beverly Bowman

City Department

Other

### Opponents

### Groups or Individuals

Basis of Opposition

### Staff Recommendation

☒ For ☐ Against

Reason Against

### Board or Commission Recommendation

### By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

### CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass



## DETAILS

22 November 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or relocations as needed.

Of the seven (7) voted in favor of the motion,  
the Chair did not vote.

Motion carried.

Members Present: Ernest Evans, James Hoch,  
Robert Hutner, Charles Layton, Dave Ross,  
Mel Smith, Vicky VerPlanck

Members Absent: Carol Kettler Sharp,  
Donald Schmidt

NOTE: This petition has been held pending release from Water Pollution Control Engineering for grant of an easement. This was released by WPCE on September 21, 1994.

### POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 21 September 1993

### Projected Completion or Occupancy

**Date** 26 September 1994

Fact Sheet Prepared by  
Patricia Biancaniello

**Date** 26 September 1994

Reviewed by

Date 5 October 1994

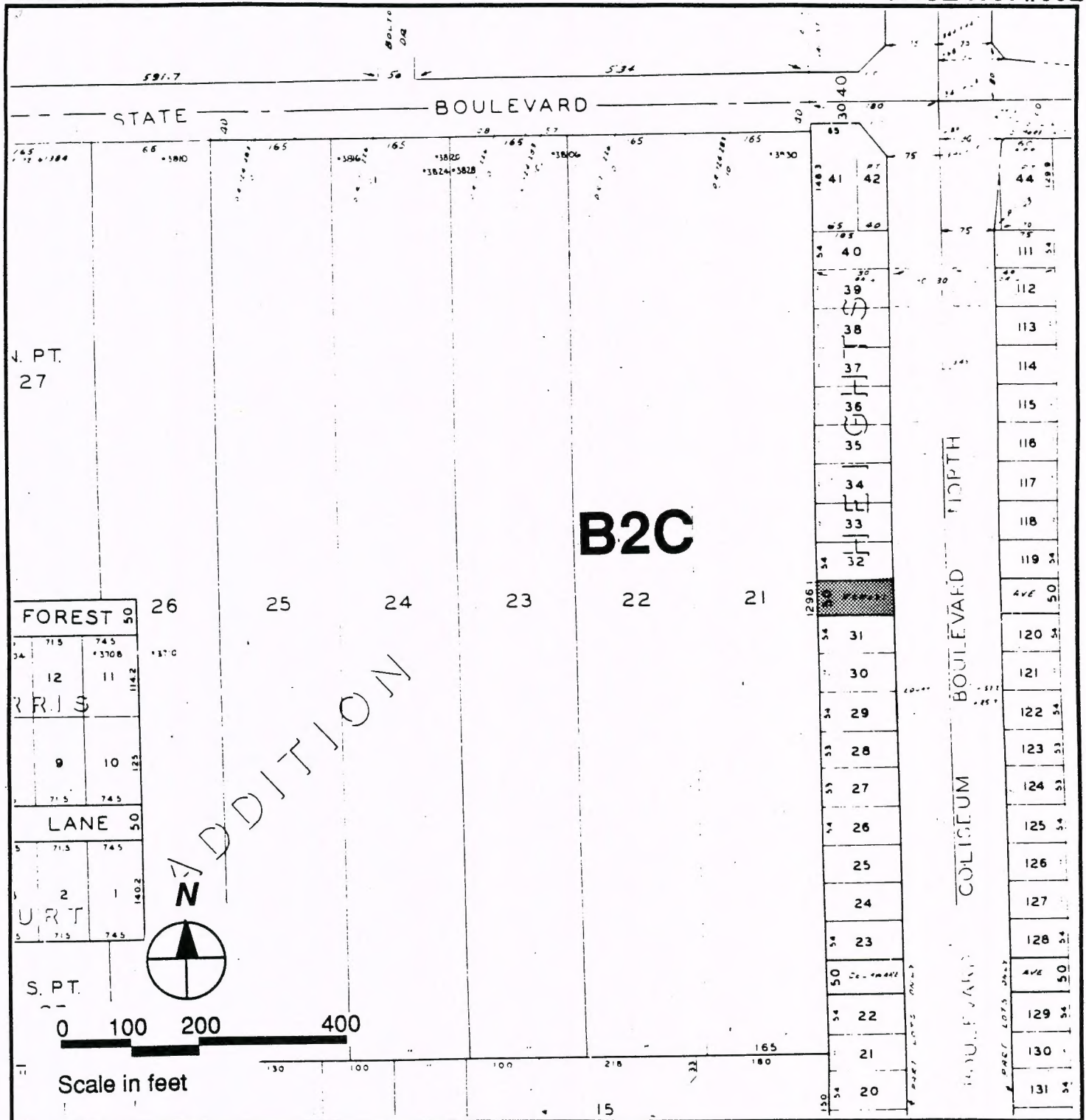
Reference or Case Number.



# VACATION PETITION

AREA MAP

CASE NO. #552



COUNCILMANIC DISTRICT NO. 1

Map No.: R-14  
LW 10-22-93

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District	IA	Interchange Access



Chester E. and Beverley J. Bowman, request the vacation of a portion of Forest Avenue.

Location: Forest Avenue west of Coliseum Blvd.  
Legal: See file  
Land Area: Approximately 0.12 acres  
Zoning: B-2-C  
Surroundings: The surrounding properties are zoned as a planned shopping center (Forestridge Shopping Center).

Reason for Request: Future private access location.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This area consists of relatively small platted lots along the Coliseum Boulevard frontage, with larger lots running north-south with State Boulevard frontage. Since the original platting of these lots the nature of development in this area has changed. These changes no longer warrant a public street to serve a private development. The surrounding acreage is currently a planned shopping center, and a proposed access to that center will be located over the existing right-of-way.

The petitioners state that they are the only owners of property adjacent to the petitioned right-of-way. Staff analysis indicates that no other property owner would be impacted by the vacation petition, and further, that approval would not in any way hinder anyone's access to public or private places or ways. In fact in the development plan review of this shopping center, it was requested that this street right-of-way be vacated prior to the construction of the shopping centers access.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as needed, and for the following reasons:

1) Approval will not hinder anyone's access to public or private



ways or places.

2) Approval will not negatively impact property values in the area.

3) Approval is consistent with the proposed planned shopping center, which will re-use this right-of-way for an access location (pending State Highway approval).



## RESOLUTION

WHEREAS, CHESTER E. and BEVERLY J. BOWMAN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Forest Avenue west of U.S. 30 and lying between Lots 31 and 32 in Delta Heights Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 15, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-way.

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-way in Allen County, Indiana.

STATE OF INDIANA) )  
COUNTY OF ALLEN ) SS:

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, November 22, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 26th DAY OF September 1994

FOR: WAYNE CITY PLAN COMMISSION  
Carol Kettler Sharp  
Secretary



## RESOLUTION 81-148-6

WHEREAS, CHESTER E. and VERLY J. BOWMAN have petitioned and requested the Fort Wayne City Planning Commission to hold a public hearing upon the vacation of the following dedicated right-of-way situated in Fort Wayne, Allen County, to-wit:

Forest Avenue west of U.S. 30 and lying between Lots 31 and 32 in Delta Heights Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.


STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, LINDA BUSKIRK, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED. SEPT. 28, 1994 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 28 DAY OF SEPTEMBER 1994

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Director of Public Works

  
C. James Owen  
Member, Board of Public Works